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CITY OF FERNLEY, NEVADA, A
NEVADA MUNICIPAL
CORPORATION,

VS.

THE STATE OF NEVADA
DEPARTMENT OF TAXATION; THE
HONORABLE KATE MARSHALL, IN
HER CAPACITY AS TREASURER OF
THE STATE OF NEVADA; AND THE
LEGISLATURE OF THE STATE OF
NEVADA,

Electronically Filed
Nov 25 2014 03:33 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
Supreme Court No. 66851

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1 Appellant CITY OF FERNLEY, NEVADA (hereinafter "Fernley"), by and
2 through its attorneys of record, the law firm of Brownstein Hyatt Farber Schreck,
3 LLP, hereby submits this reply in support of its motion for an order: (1)
4 reconsidering the Court's exemption of this appeal from the settlement conference
5 program administered under the provisions of Rule 16 of the Nevada Rules of
6 Appellate Procedure (the "Settlement Program") pursuant to the Clerk's Notice
7 dated November 13, 2014; and (2) assigning this appeal to the Settlement Program.
8 This reply is based on the following points and authorities, all other pleadings,
9 papers, and documents on file with the Court in this action, such further
10 documentary evidence as the Court deems appropriate, and the arguments of
11 counsel at any hearing on this motion.

12 **POINTS AND AUTHORITIES**

13 **I. THE COURT SHOULD GRANT FERNLEY'S MOTION GIVEN THE** 14 **STATE'S EXPRESSED WILLINGNESS TO PARTICIPATE IN A** **RULE 16 SETTLEMENT CONFERENCE.**

15 The State's response confirms that the assignment of this appeal to the
16 Settlement Program will further the interests of justice. In its response, the State
17 represents that it is "willing to hear and consider" reasonable settlement proposals
18 made by Fernley even though it maintains that the "legislative process is the proper
19 forum for Fernley to address its objections to the C-Tax statutes as a matter of
20 public policy." *See* State's Response, at 4-5. Although Fernley recognizes that it
21 will be necessary to obtain legislative approval of any settlement agreement reached
22 while this matter is in the Settlement Program, Fernley would not have moved for
23 the assignment of this appeal to the Settlement Program if it was not prepared to
24 make good faith proposals to resolve this matter. Mere delay of the Court's
25 adjudication of this appeal does not benefit Fernley in any way. Rather, as set forth
26 in its motion, Fernley believes that the parties should at least explore settlement in a
27 post-election environment. For these reasons, and the reasons set forth in its
28 moving papers, Fernley respectfully requests that the Court grant this motion in its

1 entirety.

2 DATED this 25th day of November, 2014.

3 BROWNSTEIN HYATT FARBER SCHRECK, LLP

4
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of November, 2014, I served a copy of the foregoing REPLY IN SUPPORT OF APPELLANT'S MOTION FOR RECONSIDERATION OF THE COURT'S EXEMPTION OF THIS APPEAL FROM THE SETTLEMENT CONFERENCE PROGRAM, by causing a copy of the same to be filed electronically with the Nevada Supreme Court, with electronic service on:

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